

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF SOUTH CAROLINA
ROCK HILL DIVISION

Geo Plastics and Michael Morris,) C/A No.: 0:09-1181-JFA
)
)
Plaintiffs,)
)
vs.)
)
Beacon Development Company) ORDER
and SouthCross, LLC,)
)
Defendants.)
)

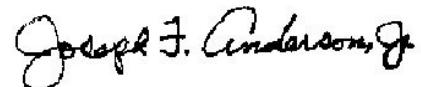
This case comes before the court on the motion of defendants Beacon Development Company (“Beacon”) and SouthCross, LLC (“Southcross”) to reconsider its Order [dkt. #15] which denied defendants’ motion to dismiss the complaint of plaintiffs Geo Plastics and Michael Morris pursuant to Fed. R. Civ. P. 12(b)(6).

Defendants argue that the Order applied the incorrect standard of review and omitted discussion of legal grounds that do not require resolution of any factual issues. Specifically, defendants complain that the Order relied upon Conley v. Gibson, 355 U.S. 41 (1957), in its Rule 12(b)(6) analysis instead of Bell Atl. Corp. v. Twombly, 550 U.S. 544 (2007) and Ashcroft v. Iqbal, 556 U.S. ---, 129 S. Ct. 1937 (2009).

The court finds the motion for reconsideration proper. However, having reviewed the pleadings, under the heightened pleading standard of Twombly and Iqbal, the motion to dismiss is denied for the reasons contained in the court’s original Order. The court likewise declines defendants’ invitation to reconsider its rulings on the fraud, negligent

misrepresentation, UDTP, and contract claims. The court considered defendants' arguments when originally provided in the motion to dismiss pleadings and finds no reason in the motion to reconsider that compels a different outcome.

IT IS SO ORDERED.



December 14, 2009
Columbia, South Carolina

Joseph F. Anderson, Jr.
United States District Judge